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# **Fifth Amendment: Rights and Freedom of the Citizens**

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# Fifth Amendment: Rights and Freedom of the Citizens

The fifth Amendment to the U.S Constitution focuses on certain words like the Grand jury, double jeopardy, self-incrimination, and due process. Under this amendment, the citizens of the U.S are guaranteed to have specific rights and freedom. The amendment is among the first ten amendments and in the Bill of Rights.

The amendment was ratified and added to the constitution on 15 December 1791



The 5th Amendment keeping in mind the rights of the citizens include certain points:

- No one should be answerable for the capital or infamous crime unless there is the involvement of a Grand Jury excluding the cases that arise in land or naval forces or the Militia,
- For the same crime, no one should be twice put in jeopardy of life or limb,
- No one should be compelled to witness against himself in any criminal proceeding, Without the due process of law, no person should be deprived of life, liberty, or property.
- Any private property should not be taken for public use, without just compensation.

## **Grand Juries and the crimes:**

The very first section of the amendment focuses on a grand jury, according to which the grand jury (an eligible group of people) after listening to the evidence will decide for the case whether it should go for trial or not.

Mostly the involvement of grand juries is done for the serious crimes that involve the punishment of a life sentence or death.

The word infamous crime in the amendment means the crimes that lie in the class of felonious crime that may cause serious damage to life and property.

## **Forbiddance of Double Jeopardy:**

The second section of the amendment is known as the Double Jeopardy Clause that deals with not employing double jeopardy twice, that is if a person is found to be convicted for the same crime then the convicted will not be sent to the trial again and punished multiple times for the same crime.



## **Self Incrimination:**

The third section of the amendment is the self-incrimination clause. The clause prevents the convicted from giving any statement or answer to any question that may serve as proof and the case may go against him. “What type of confession did self-incrimination include?” is the most enquired question. This clause applies to speaking, writing, or nodding, and under the clause, the convicted may not be pressurized by anyone to give any statement which may be unsafe for him.

## **Due Process Clause:**

The Due Process clause is the fourth section of the [fifth amendment](#) that deals with the right to have fair and justified orderly proceedings. It focuses to protect the life, liberty, and property of an individual. The convicted has the right to confront the witness, hire a lawyer, go through justified legal proceedings, so that the convicted may get a fair chance of proving.

Due process is the phrase that is used twice in the U.S constitution once in the [5th amendment](#) and then in the 14th amendment.

## **Eminent domain or Takings Clause:**

This section of the amendment states that the government can't take anyone's private property for public use without paying fair and reasonable compensation.

# Examples of the Fifth Amendment Cases

- **Miranda v. Arizona:** In this case, the supreme court ruled that according to the fifth amendment's self-incrimination clause the prosecutor could not use the person's statement as evidence that was made during the interrogation of the police unless the person was informed of the right to have a consultation with an attorney.
- **Heath v. Alabama:** In this case, the supreme court held that the 5th amendment's double jeopardy clause does not prohibit two different states for separate prosecution and conviction of the same individual for the same crime.

So, in simple words, the **fifth amendment to the U.S. Constitution** may be stated as the right to the citizens of the U.S that may involve grand juries for infamous crimes, prevent the citizens from double jeopardy, loss of life, property, and liberty without due process, and taking of property for public use without fair compensation. The amendment is limited only to the citizens and not to the business or the corporations, and the amendment was initially applied to federal courts, but the fourteenth amendment extended it to the state court too.

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